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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,110

03/17/2006

Geir Ueland

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EXAMINER

ANDREWS, DAVID L

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/541,110

Applicant(s)

UELAND ET AL.

Examiner

David Andrews

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.  
4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2005</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

The preliminary amendment filed 6/30/2005 has been entered.

#### ***Drawings***

Figure 1 is objected to for lack of clarity. The reference number 23 has overmarks which make it appear as a 28. Also the lead line connecting figures 1 and 3 is improper and should be deleted. In figure 1, the section line A-A should be changed to Roman or Arabic numerals as per 37 CFR 1.84(h)(3). Corrections are required.

#### ***Claim Objections***

Claim 3 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 3 has not been further treated on the merits.

Claim 2 is objected to for lack of antecedent basis of the limitation "the terminating element." Correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Staron et al. (US 4,670,862). Staron et al. disclose a pulling tool for use in positioning of equipment and acquisition of data from pipelines and borehole for the production of oil and gas comprising: an elongate cylindrical element (9); links (15 and 17) arranged for radial movement (18); connected to linkages (44) arranged with rotating chains (16 considered a chain in that it is shown in figure 1 as made of independent linked segments); wherein the links are terminated at a terminating element with bolts placed at a distance offset from the center line (seen in figure 4).

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Guerrero et al. (US 7,156,192, with a filing date of the provisional application of 7/16/2003). Guerrero discloses a pulling tool comprising: an elongate cylindrical main element (10 figure 1); links arranged to the element for radial movement (28, 36, 38, 40; linkages (between 36, 38 and 28); rotating chains arranged for propulsion (30; col. 6, lines 7-8); wherein the links terminate at a terminating element (inherent to connection of 36, 38, 40 onto 26) with bolts placed at a distance offset from center (seen in figure 2).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmes (US 3,125,464) in view of Freeman (US 7,150,318). Harmes discloses a pulling tool for use in the positioning of equipment in a pipeline comprising: an elongate cylindrical element (housing of central to 10 in figure 1) with arranged links (the structures which hole chain 22 is considered to be links) arranged for radial movement, connected to linkages (seen interior to 10 in figure 2) and rearranged with a rotating belt (22) for propulsion; wherein the links are terminated at the terminating element (seen in figure 1 where the chain intersects main cylindrical body); with bolts (figure 1); placed at a distance offset from the center line (figure 1). Harmes does not disclose the use of chains but rather a belt to propel the tool. Freeman discloses that a chain and belt are equivalent structures known in the art for propelling a downhole tool (col. 5, lines 10+). Therefore because these two flexible drive elements were art-recognized equivalents at the time of invention, one of ordinary skill in the art would have found it obvious to substitute a belt for a chain.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith (US 4,192,380) discloses a downhole tool with an electric motor and bevel gears.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Andrews whose telephone number is (571) 272-6558. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David Bagnell  
Supervisory Patent Examiner  
Art Unit 3672